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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/728,358

12/03/2003

Tianyi Liao

LP 4820 US NA

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WILMINGTON, DE 19808

EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

10/728,358

Examiner

Andrew T. Piziali

Applicant(s)

LIAO, TIANYI

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

/Andrew T Piziali/
Primary Examiner, Art Unit 1771

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment:

1. According to 37 CFR 41.37 (d): If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.
2. The events of this case occurred as follows:
 - i. On 5/23/2006 this application was made Final.
 - ii. On 11/28/2006 Applicant filed a Notice of appeal.
 - iii. On 1/29/2007 Appellant submitted an appeal brief.
 - iv. On 4/9/2007 the brief of 1/29/2007 was held non-compliant.
 - v. On 4/20/2007 Appellant submitted an amended appeal brief.
3. This amended brief failed to overcome all the reasons for non-compliance stated in the notification. Specifically, in the notification mailed on 4/9/2007 the appellant was notified that the summary of claimed subject matter section must:
 - i) Identify all independent claims on appeal.
 - ii) Map all independent claims on appeal to the specification by page and line number (or paragraph).
 - iii) Map all independent claims on appeal to the drawings, if any, by reference characters.
4. In response, the appellant filed an amended brief on 4/20/2007 that not only failed to refer to any of the drawings, or drawing reference characters, the amended brief also failed to identify independent claim 17 or map independent claim 17 to the specification by page and line number (or paragraph).
4. As such, 37 CFR 41.37(d) was invoked and the Appeal is Dismissed.
5. Since no claims stand allowed, the application is considered abandoned as of the date the reply to the notice of appeal was due (MPEP 1215.04).